

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

---

IN THE MATTER OF	)
	)
Sharon Parrill	)
Clown's Den	) ADMINISTRATIVE ORDER
Cheyenne, Wyoming	)
PWS ID # 5600785	)
	)
Respondent.	) Docket No. <b>SDWA-08-2003-0003</b>
	)
Proceedings under Section 1414(g)	)
of the Safe Drinking Water Act,	)
42 U.S.C. § 300g-3(g)	)
	)

---

**STATUTORY AUTHORITY**

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region VIII.

**FINDINGS**

1. Sharon Parrill, owner of Clown's Den, is an individual, and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and operates a system, the Clown's Den Water System (the "System"), located in Laramie County,

Wyoming, for the provision to the public of piped water for human consumption.

3. The Clown's Den Water system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, set forth at 40 C.F.R. Part 141.
5. According to a June 28, 2002 sanitary survey conducted by an agent of EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well, serves approximately 50 persons daily, and has 2 service connections.

**FINDINGS OF VIOLATION**

I.

1. 40 C.F.R. § 141.21(a) requires the owner and/or operator of a public water system to monitor the System's water at least once per quarter to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor for contamination by total coliform bacteria during the 3<sup>rd</sup> (July-September) quarter of 1998, the 1<sup>st</sup> (January-March) and 4<sup>th</sup> (October-December) quarters of 2001, and the 2<sup>nd</sup> (April-June) quarter of 2002, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.21(b) (5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in May 2001, September 2001, February 2002, and September 2002, after a total coliform positive sample in the preceding months, in violation of 40 C.F.R. § 141.21(b) (5).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of a public water system to notify the public of any National Primary Drinking Water Regulation ("NPDWR") violations, including violations of monitoring requirements and testing procedures found in 40 C.F.R. Part 141.
2. Respondent provided public notice of the failure to monitor for contamination by total coliform bacteria in the 3<sup>rd</sup> quarter of 1998. However, Respondent has not provided public notice of the other instances of noncompliance detailed in Sections I and II above, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the monitoring violation to EPA within ten days after the System discovers the violation.
2. Respondent failed to report to EPA the coliform monitoring violations detailed in Sections I and II above, in violation of 40 C.F.R. § 141.21(g)(2).

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section III above, in violation of 40 C.F.R. § 141.31(b).

**ORDER**

Based on the foregoing findings, and pursuant to the authority of § 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring.  
Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water

to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

3. No later than thirty days from the date of this Order, Respondent must comply with the public notice requirements set forth at 40 C.F.R. § 141.201, et seq. to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. Public Notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the public notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat

the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the publication notification requirements at 40 C.F.R. § 141.201, et seq., following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten (10) days after the System discovers the violation.
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

Olive Hofstader  
U.S. EPA Region VIII (8-ENF-T)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

**GENERAL PROVISIONS**

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject Respondent to an administrative civil penalty of up to \$25,000 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation, assessed by a U.S. District Court, under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. District Court, under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 9th day of January, 2003.

SIGNED DJJ for  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

SIGNED  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**DOCUMENT WAS FILED WITH THE REGIONAL HEARING CLERK ON  
JANUARY 9, 2003.**

**FOR COPIES OF THE ATTACHMENTS PLEASE CONTACT THE RHC AT 303-312-  
6765.**